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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of)	5/11/28 ZCM
Amendment of Section 73.202)	RM No
of the Commission's Rules)	
Table of Allotments)	MM Docket No
For FM Broadcast Stations)	
(Cobleskill and St. Johnsville, NY))	

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of WQBJ(FM), Channel 278B, Cobleskill, New York, by its attorneys, hereby respectfully petitions the Commission for modification of the Commission's Table of Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to: (a) delete Channel 278B from Cobleskill, New York; (b) add Channel 278B to St. Johnsville, New York; and (c) modify the license of WQBJ(FM) (Facility ID No. 40769) to specify operations on Channel 278B in St. Johnsville, New York, in lieu of operation on Channel 278B in Cobleskill, New York (collectively, the "Proposal").

Grant of the Proposal would provide first local aural transmission service to St. Johnsville, New York, a census designated and independent community of approximately 1,825 persons, according to the 1990 Census.

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St. Johnsville, which is located approximately 24 miles northwest of Cobleskill, New York, and approximately 50 miles northwest of Albany, New York, is not located within any Urbanized Area. It has its own police department, its own town clerk, its own youth center, its own village justice center, its own housing authority and its own ambulance organization. It is the site of St. Johnsville Elementary School and High School, and has its own library. St. Johnsville also has its own post office and zip code (13452), at least three churches, several restaurants and food stores, a bank, and other retail establishments. Under Commission precedent, the presence of these civic, social and business organizations confirms that St. Johnsville is a community deserving of its own aural transmission service.

Moreover, the Proposal would not deprive any current community of license of its sole local transmission service. Cobleskill, the current community to which WQBJ(FM) is assigned, will continue to be the community of license of WXBH(AM). Also, because the proposed change may be accomplished without any change in facilities, it would not create any loss of existing service.

A Technical Statement, attached as Exhibit 1, demonstrates that the Proposal is consistent with the Commission's technical rules. A statement from Clear Channel affirming that it will apply for the allotment if changed as proposed also is attached.

Accordingly, the Commission should grant the Petition, issue an appropriate Notice of Proposed Rule Making, and approve the proposed modification in WQBJ(FM)'s license under Section 1.420(i) of the Commission's Rules.

Respectfully submitted,

CLEAR CHANNEL BROADCASTING LICENSES, INC.

By: J. Willia & Sur

Marissa G. Repp F. William LeBeau

HOGAN & HARTSON L.L.P. 555 13th Street, N.W. Washington, DC 20004 (202) 637-5600 Its Attorneys

January 28, 2000

DECLARATION

- I, Benjamin L. Homel, declare as follows:
- 1. I am Vice President of Clear Channel Broadcasting Licenses, Inc. ("CCBL").
- 2. CCBL intends to apply for construction permit for Channel 278B upon adoption of the proposed rule making amending Section 73.202, Table of Allotments, FM Broadcast Stations (Cobleskill and St. Johnsville, New York).
- 3. If awarded the construction permit for Channel 278B, CCBL will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

> Benjamin L. Homel Vice President

Executed this $\frac{\bar{c}7^{th}}{}$ day of January, 2000.

EXHIBIT 1

(Technical Statement)

TECHNICAL EXHIBIT

IN SUPPORT OF

A PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
COBLESKILL AND ST. JOHNSVILLE, NEW YORK

Technical Narrative

This technical narrative and associated exhibits have been prepared on behalf of station WQBJ in support of a Petition for Rule Making to amend Section 73.202(b) by the reallotment of channel 278B (103.5 MHz) from Cobleskill to St. Johnsville, New York and the modification of the license (BLH-950118KB) of WQBJ accordingly. As the requested change is mutually exclusive with the allotment of channel 278B at Cobleskill, Petitioner invokes the provisions of Section 1.420(i).

The following is a summary of the reallotment proposal:

- The community of St. Johnsville (1990 Census population 1,825) will be provided with its fist local aural transmission service and the community of Cobleskill (1990 Census population 5,268) will continue to have local aural service from AM station WXBH.
- Neither Cobleskill nor St. Johnsville is located within, or near, an Urbanized Area, and the 70 dBu contour for the present and proposed operations will encompass less than 50% of the total land area or population of any Urbanized Area, and, therefore, it is believed St. Johnsville warrants a first local service preference.
- As no change in transmitter site is proposed, Cobleskill will continue to receive a city grade (70 dBu) signal.
- There will be no gain or loss of service as there will be no change in transmitter site or facilities.

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Cobleskill and St. Johnsville, New York

Proposed Change in Table of Allotments

Station WQBJ is currently licensed (BLH-950118KB) to operate on channel 278B at Cobleskill, New York with an effective radiated power (ERP) of 50 kW and an antenna height above average terrain (HAAT) of 150 meters.

Cobleskill, is located in Schoharie County, New York and has a 1990 U.S. Census population of 5,268 persons. Daytime AM station WXBH is currently licensed (BL-831216AK) to serve Cobleskill. Therefore, adoption of the proposal will not deprive Cobleskill of its sole "existing" local aural service.

St. Johnsville is located in Montgomery County, New York and has a 1990 U.S. Census population of 1,825 persons. St. Johnsville has no local FM or AM service and, therefore, Petitioner's proposal would bring a first local aural broadcast service to St. Johnsville. Accordingly, Petitioner requests modification of the FM allocation table as follows:

City	Present	Proposed
Cobleskill, New York	278B	
St. Johnsville, New York		278B

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 278B at St.

Johnsville.¹ The reference site complies with the Commission's minimum distance separation requirements contained in Section 73.207 of the FCC's rules to all existing, authorized and proposed stations and allotments. In addition, the reference site also complies with the separation requirements contained in the U.S.-Canadian FM Agreement (Ottawa, February 1991) applicable to international Class B

 $^{^1}$ The geographic coordinates for Channel 278B at St. Johnsville are the existing transmitter site of WQBJ located at North Latitude 42°58'21" and West Longitude 74°29'30".

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Cobleskill and St. Johnsville, New York

allotments. Operation from the reference site will provide the requisite city grade signal to all of St. Johnsville.

Figure 2 is a map which was developed using the 1990 U.S. Census Topologically Integrated Geographic Encoding and Referencing (TIGER)/Line files and which depicts the city coverage (70 dBu) contours based on WQBJ's actual facilities as well as maximum Class B allotment facilities (ERP 50 kW/HAAT 150 m). As shown, all (100%) of St. Johnsville is located within the 70 dBu contours. In addition, Cobleskill will continue to receive a 70 dBu signal. The St. Johnsville and Cobleskill city limits shown on Figure 2 were also obtained from the TIGER/Line files.

Urbanized Area Considerations

Neither Cobleskill nor St. Johnsville is located within, or near, an Urbanized Area, as the closest Urbanized Area (Albany-Schenectady-Troy, NY, depicted on Figure 2) is located more than 41 kilometers from the WQBJ transmitter site. In addition, the 70 dBu contour for the present and proposed operations will encompass less than 50% of any Urbanized Area.

60 dBu Gain and Loss Areas

There will be no change in the WQBJ transmitter site or facilities. Therefore, there will be no 60 dBu gain or loss areas.

70 dBu Coverage Contours

The WQBJ predicted 70 dBu coverage contour for its actual facilities (ERP 50 kW/HAAT 150 m) was calculated in accordance with the provisions of Section 73.313. The 70 dBu contour for the Class B allotment facilities (ERP 50 kW/HAAT 150 m) was also calculated in accordance with Section 73.313 except that uniform terrain was presumed in all directions.

Consulting Engineers

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Cobleskill and St. Johnsville, New York

Conclusion

Channel 278B can be reallotted from Cobleskill, New York to St. Johnsville, New York in compliance with all applicable Commission Rules and International Agreements. The community of St. Johnsville (1990 census population 1,825) will be provided with a first local aural transmission service and the community of Cobleskill (1990 census population 5,268) will continue to have local aural service. In addition, Cobleskill will continue to receive 70 dBu service from the proposed WQBJ facilities. Furthermore, the proposed 70 dBu contour will encompass less than 50% of any Urbanized area and there will be no gain or loss area. Therefore, Petitioner requests the reallotment of channel 278B from Cobleskill to St. Johnsville, New York and the modification of the WQBJ license (BLH-950118KB).

W. Jeffrey Reynolds

W. Febry Kendle

du Treil, Lundin & Rackley, Inc. 201 Fletcher Avenue Sarasota, Florida 34237-6019

January 3, 1999

FM SEPARATION STUDY

Job Title : Proposed WQBJ, St. Johnsville, NY Separation Buffer 32 km FCC DB Date : 12/30/99 Channel 278B (103.5 MHz) Coordinates: 42-58-21 74-29-30 Channel ERP(kW) Latitude Bearing Dist. Req. Call City Status State FCC File No. Freq. HAAT(m) Longitude deg-Tru (km) (km) ______

 Herkimer
 224A
 3.00
 43-03-50
 283.3
 44.97
 15

 NY
 BLH790418AA
 92.7
 91.0
 75-01-44
 29.97
 CLEAF

 WXUR Herkimer 29.97 CLEAR Class B1 with respect to Canada WHRL Albany 276A 6.0 **42-39-4**6 117.1 75.00 69 LIC NY BMLH970402KE 103.1 99.0 73-**40-3**7 6.00 CLOSE 6.00 CLOSE Referred to Canada as B1 on 951011-Accepted by Canada 960220 WZOZ Oneonta 276A 2.00 42-25-28 218.3 77.50 69 LIC NY BLH5655 103.1 110.0 75-04-36 8.50 CLOSI WZOZ Oneonta 8.50 CLOSE 277A 42-03-21 103.3 .0 73-20-56 42-03-21 137.0 138.53 113 North Canaan PADD CT RM8739 25.53 CLEAR Reserved for Non-Commerical Educational Use Site Restriction 2.8km Northwest-Counterproposal to RM-8329 41-55-08 146.9 139.34 113 277A WQQQ Sharon PDEL CT RM8739 103.3 .0 73-34-22 26.34 CLEAR Counterproposal to RM-8329 WQQQ Sharon 277A 1.0 41-55-08 146.9 139.34 113 LIC CT BLH931101KG 103.3 195.0 73-34-22 26.34 CLEAR WQQQ Sharon 26.34 CLEAR WQBJ Cobleskill LIC NY BLH950118KR

 Cobleskill
 278B
 50.
 42-58-21
 .0
 .00
 241

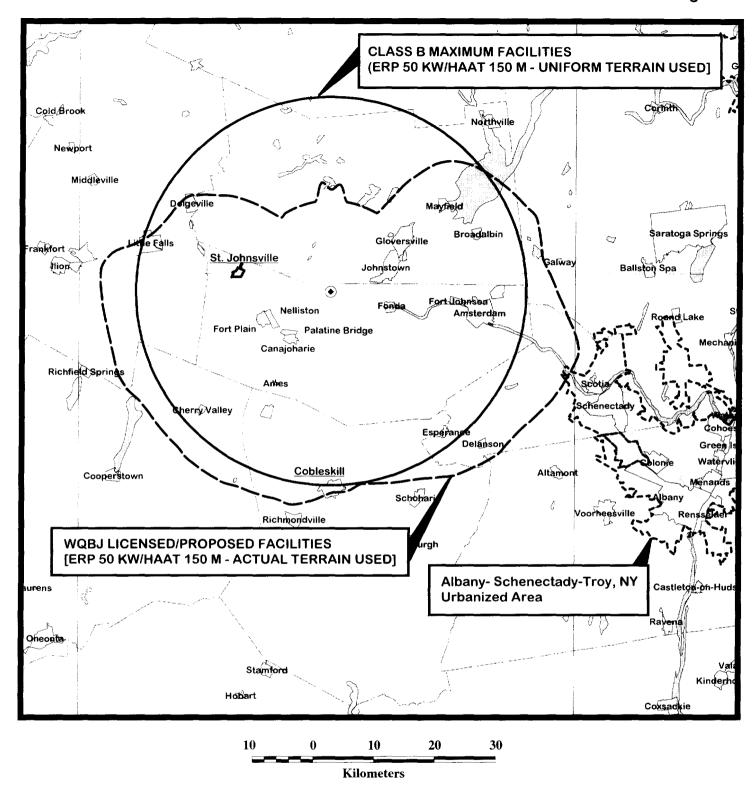
 NY
 BLH950118KB
 103.5
 150.0
 74-29-30
 -241.00
 SHORT

 -241.00 **SHORT**¹ W278AH Syracuse, Jamesville 278D .002 42-57-21 269.7 132.06 0 LIC NY BLFT970409TA 103.5 302.0 76-06-36 .00 TRANS .00 TRANS Translator for WZXV, Palmyra, NY. W278AH Syracuse, Jamesville 278D .010 DA 42-57-21 269.7 132.06 0 CP NY BPFT970917TC 103.5 302.0 76-06-36 .00 TRANS Translator for WZXV, Palmyra, NY. Granted 5-25-99 42-11-55 119.0 174.58 0 WCCH Holyoke 278D .009 LIC MA BLED811130AS 103.5 144.0 72-38-27 .00 CLS=D WKTU Lake Success 278B 5.4 40-42-43 170.9 254.20 241 LIC NY BLH901228KE 103.5 432.0 74-00-49 13.20 CLOSE 13.20 CLOSE

¹ Requested reallotment of channel 278B to St. Johnsville is mutually exclusive with the Petitioner's current channel 278B allotment at Cobleskill.

Call City Channel ERP(kW Status State FCC File No. Freq. HAAT(m					
_					
	43-02-00 87.0 173.32 169				
LIC NH BLH921231KD 103.7 302.0	72-22-04 4.32 CLOSE				
WQNY Ithaca 279B 12.0	DA 40 00 10 00 7 100 00 160				
	76-40-10 20.99 CLEAR				
Specially negotiated, short-spaced allotm					
WQNY Ithaca 279B 15.5	42-23-13 250.7 189.99 169				
CP NY BPH990712IC 103.7 268.0	76-40-10 20.99 CLEAR				
correct file number					
CHXL Brockville 279C1 100.	DA 44-23-58 323 6 198 48 195				
	75-58-21 3.48 CLOSE				
Specially negotiated, short-spaced allotment ltd. to: 1)38kw ERP & 154.5m					
HAAT or the equivalent along the 194.4 degree azimuth towards channel 279B					
in Ithaca, NY, 2)4kw ERP & 154.4m HAAT or the equivalent along the 193.6					
degree azimuth towards channel 280B1* in Mexico, NY, 3)74kw ERP & 156m HAAT					
or the equivalent along the 217.6 degree azimuth towards channel 278B1 in Sodus, NY-Accepted by Commission 950519					
Jodds, NI Accepted by Commission 750517					
WQBKFM Rensselaer 280A 6.0	42-35-06 126.1 72.78 69				
LIC NY BLH940104KC 103.9 92.0	73-46-29 3.78 CLOSE				
MADY 0.05	40.05.00.016.0.75.06.60				
WSRK Oneonta 280A 2.05 LIC NY BLH931122KC 103.9 158.0	75-02-47 6.86 CLOSE				
Proposed to Canada as B1 on 920131-Accepted by Canada on 920505					

^{**} End of separation study for channel 278B **



CITY GRADE (70 DBU) COVERAGE CONTOURS

du Treil, Lundin & Rackley, Inc. Sarasota, Florida